

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on the following motions:

1. Defendant's motion to seal portions of documents submitted in connection with its motion to compel complete discovery [DE #539]; and
2. Plaintiff's motion to seal portions of documents submitted in connection with Defendant's motion to compel complete discovery [DE #568].

The parties seek to seal the filings on the ground they contain confidential business and technical information, including information concerning the parties' business relationships, third parties' processes for the manufacture of azoxystrobin, and Plaintiff's azoxystrobin business. Where appropriate, the parties have filed proposed redacted versions of the documents, omitting the portions they contend should not be available to the public.

For the reasons set forth in the parties' motions and supporting memoranda, the court grants the parties' motions to seal. The court finds that the public's common

law right of access is outweighed by the interests of the parties and third-party manufacturers in protecting against competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of the parties' requests to seal these documents and a reasonable opportunity to object have been provided by the filing of their motions, and no objections have been filed with the court. The parties have narrowly tailored the requests to remove only information that is sensitive and confidential and not otherwise publicly known. Furthermore, the parties have since settled all matters in controversy between them. Consequently, the sealed document will not be the subject of any ruling by the court.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Defendant's Motion to Seal [DE #539] is GRANTED;
2. Plaintiff's Motion to Seal [DE #568] is GRANTED; and
3. The following documents shall be SEALED:
 - a. Defendant's Motion to Compel Complete Discovery [DE #503]. A redacted version is available at DE #569-3;
 - b. Defendant's Memorandum in Support of its Motion to Compel Complete Discovery [DE #504]. A redacted version is available at DE #569-4;
 - c. Exhibits 1, 2, 3-4, 6, 7, 8, 9, 10-12, 14-15, 17-18, 19, 21-26, 29 to Declaration of Robert J. Scheffel [DE ##505-2 and 540, 505-3 and 540-1, 505-4 to 505-5, 511, 511-1, 505-9, 511-2, 505-11 to 505-13, 511-3 to 511-4, 505-18 to 505-19, 505-20 and 540-2, 505-22 to 505-27, 505-30]. Redacted versions are available at DE ##569-5, 569-6, 569-7 to 569-8, 569-21, 569-22, 569-9, 569-23, 569-10 to 569-12, 569-24 to 569-25, 569-13 to 569-14, 569-15, 569-16 to 569-19, 569-20;

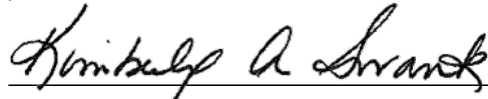
d. Exhibits 28, 32-35 to Declaration of Robert J. Scheffel [DE ##505-29 and 540-5, 505-33 to 505-36];

e. Plaintiff's Response in Opposition to Defendant's Motion to Compel Complete Discovery [DE #556]. A redacted version is available at DE #569-26;

f. Exhibits 1 and 2 to Declaration of Russell E. Levine, P.C. [DE ##567-1, 567-2]; and

g. Exhibits 3, 4, and 5 to Declaration of Russell E. Levine, P.C. [DE ##567-3, 567-4, 567-5]. Redacted versions are available at DE #569-26, 569-28, and 569-29]

This 29th day of December 2022.

A handwritten signature in black ink, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge